

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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ROSEMARY DIANE MARTINEZ,	)	
Charging Party,	)	
	)	CASE NO. 0011009446
v.	)	
	)	<b>ORDER AFFIRMING</b>
JACK MARSHALL,	)	<b>DISMISSAL</b>
Respondent.	)	

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The above-captioned matter came before the Montana Human Rights Commission (Commission) on July 16, 2001. The matter was before the Commission for consideration of the Charging Party's objection to the dismissal of the complaint. Oral argument was not requested and briefs were not submitted. The matter was considered on the record.

After reviewing the record, the Commission finds that the Human Rights Bureau properly dismissed the matter. The record shows that Charging Party failed to state a prima facie case of sexual harassment. Although Charging Party is a member of a protected class (she is female), she was unable to provide evidence to substantiate her claim of unwelcome sexual advances and conduct by Respondent. Witness statements provided to the Investigator failed to substantiate Charging Party's claims. *See Sardigal v. St. Louis Nat. Stockyards, 41 Empl. Prac. Dec. P.36,613 (S.D.Ill. Oct. 28, 1986)*. The Investigator properly concluded that Charging Party did not prove by a preponderance of the evidence that she was sexually harassed or subjected to a sexually hostile environment by Respondent. Accordingly, the matter was properly dismissed.

IT IS HEREBY ORDERED, that the Human Rights Bureau's order dismissing the complaint is affirmed and the Charging Party's objection is overruled.

Dated this \_\_\_ day of July, 2001.

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Gary Hindoien, Chair  
Montana Human Rights Commission

**CERTIFICATE OF SERVICE**

The undersigned employee of the Human Rights Bureau certifies that a true copy of the foregoing **ORDER AFFIRMING DISMISSAL** was served on the following persons by U. S. Mail, postage prepaid on the \_\_\_\_\_ day of July, 2001.

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Farah Davidson, Human Rights Bureau